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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,503	12/22/2000	Yuergen Boehmke	00259	9778

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EXAMINER

BRAGDON, REGINALD GLENWOOD

ART UNIT	PAPER NUMBER
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2188

DATE MAILED: 06/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/746,503

Applicant(s)

BOEHMKE, YUERGEN

Examiner

Reginald G. Bragdon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4-6</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

1. The Information Disclosure Statements received 08 August 2003, 16 December 2003, and 22 January 2004 have been considered. Please see the attached PTO-1449(s).

The patent applications listed on page 2 of the IDS received 08 August 2003 have printed as pre-grant publications. These applications have been considered, but are crossed off the PTO-1449 and added to the PTO-892 with their current pre-grant publication information.

Drawings

2. The drawings are objected to because:

There is no description of figure 11A.

In figures 6 and 7B, reference number "174" is used to describe two different elements. In figure 6, "174" describes switch master buffers and in figure 7, "174" describes a display grid. One of the figures (and the corresponding description in the specification) should be changed. For figure 6, "174" is referenced in paragraphs [170] and [173] and for figure 7, "174" is reference in paragraphs [154], [155], and [172]. See PG Pub document US 2002/0120638 A1.

3. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities:

On page 21, line 4, "145" should be --147--

On page 24, line 3, reference number "92" does not describe the "ECP" and "94" does not describe the "DCS" of figure 6.

On page 25, line 20, "100 102" should be --100--.

On page 25, line 20, "fields 100" should be --fields 102--.

On page 31, line 13, "because" should be --before--.

On page 32, line 16, "100" should be deleted.

On page 36, line 17, "the" after "higher" should be deleted.

On page 41, line 16, "92" should be --90--.

On page 42, line 9, there is no "use-selectable 100" in the figures.

Appropriate correction is required.

Claim Objections

5. Claims 1-29 are objected to because of the following informalities:

As per claim 1, line 10, --of-- should be added after "storing".

As per claim 1, line 12, --one or more-- should be added before "resources".

As per claim 8, lines 12-13, delete "that can be...software programs".

As per claim 9, line 3, --of-- should be added after "managing".

As per claim 13, line 5, --of-- should be added after "storage".

As per claim 15, line 3, "the computer" should be --a computer--.

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As per claim 15, line 4, "a" after "to" should be --the--.

As per claim 15, line 15, "the user" should be --a user--

As per claim 15, line 15, "has" should be --with--.

As per claim 15, line 16, "the other" should be --any other--.

As per claim 16, line 10, "the storing" should just be "storing".

As per claim 16, line 13, "system" should be --means--.

As per claim 20, line 1, "system" should be --means--.

As per claim 23, lines 12-13, delete "that can be... software programs".

As per claim 28, line 4, --of-- should be added after "storage".

All dependent claims are objected to as having the same deficiencies as the claims they depend from.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claim 15 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

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As per claim 15, there is no discussion of “computer instructions” that can “provide a server”.

8. Claim 15 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

As per claim 15, there is no enabling disclosure of “computer instructions” which “provide a server”.

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 15, it is not clear how “computer instructions” can “provide a server”.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 1-5, 7-12, 14-21, 23-27, and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Sprecher et al. (5,285,494).

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As per claims 1, 8, 15, and 23 Sprecher et al. teaches network support system (NSS) for a cellular phone (i.e. “wireless telecommunications”) system. The system includes a plurality of workstations 104 (“computing system including one or more computers...”; see figure 1 and column 3, line 5), a master server 100, a slave server 102 (“a server”; see figure 1 and column 3, lines 17-20), and a database 108. The slave server 102 provides access to the database 108 for the plurality of workstations (“the server being configured to support one or more users and to provide shared access to one or more telecommunications computer software programs”; see column 3, lines 22-24). Task handlers (“telecommunication computer software program”) available under the NSS provide report generation and system management. See column 1, lines 62-68, and column 3, lines 37-49. The database 108 (“one or more resources”) is coupled to the slave server 102 (see figure 1) and provides for managing (by associating the data in a relational database), communicating (by providing the data for access by slave server), and storing (by physically storing the data on a storage device). The database 108 is also accessed and processed by the task handlers for generating the reports and for managing the system (“the one or more resources can be accessed and processed... programs”). See column 1, lines 64-66, and column 3, lines 33-36. Furthermore, Sprecher et al. teaches that the real time information flows into the master server, which collects and filters the data (“a user...has real-time access to the data”). See column 3, lines 11-12 and 17-18.

As per claim 16, the claim is rejected for the reasons set forth for claim 1, above, noting that the workstations correspond to the “first computing means” and the slave server corresponds to the “second computing means”.

As per claims 2 and 17, Sprecher et al. teaches an SQL relational database at column 11, lines 64-65.

As per claim 3 and 18, Sprecher et al. teaches a phone network (“telecommunication network”). See the abstract, line 2.

As per claims 4, 11, 19, and 26, Sprecher et al. teaches a cellular phone network (“wireless telecommunication network”). See the abstract, line 2.

As per claims 5, 12, 20, and 27, Sprecher et al. teaches that the workstations are interconnected in a ring topography network 106. See column 3, lines 5-10, and figure 1.

As per claims 7, 14, 22, and 29, Sprecher et al. teaches that the slave server is shared by the workstations. See column 3, lines 22-24.

As per claims 9 and 24, Sprecher et al. teaches that some of the task handlers (“telecommunication...programs”) are a tactical surveillance module (column 3, line 51 to column 4, line 32) and a network management system module (see column 4, line 61 *et seq.*), which manage the cellular phone system.

As per claims 10 and 25, Sprecher et al. teaches that one of the task handlers (“telecommunication...programs”) is a prediction/simulation module, which provides marketing information based on data from the cellular phone system (“managing data associated...”). See column 4, lines 35-59.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 6, 13, 21, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sprecher et al. in view of Sarkar (6,012,067).

As per claims 6, 13, 21, and 28, Sprecher et al. does not teach an application server, performing the same program providing functions as the slave server. Sarkar teaches a multi-tier IT solution including an application server as a middle-tier between a client (i.e. the workstations 104 of Sprecher et al.) and a server (i.e. the slave server 102 of Sprecher et al.). It would have been obvious to one of ordinary skill in the art to have added an application server, performing the program providing functions of the slave server, as suggested by Sprecher et al. at column 1, lines 35-44, because Sarkar teaches that the application server would provide scalability, adaptability, recoverability, and manageability. See column 1, lines 45-49.

Conclusion

15. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

All "OFFICIAL" patent application related correspondence transmitted by FAX must be directed to the central FAX number at **(703) 872-9306**:

"INFORMAL" or "DRAFT" FAX communications may be sent to the Examiner at **(703) 746-5693**, only after approval by the Examiner.

Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA., Fourth Floor (receptionist).

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16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reginald G. Bragdon whose telephone number is (703) 305-3823. The examiner can normally be reached on Monday-Thursday from 7:00 AM to 4:30 PM and every other Friday from 7:00 AM to 3:30 PM.

The examiner's supervisor, Mano Padmanabhan, can be reached at (703) 306-2903.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

RGB
June 7, 2004

Reginald G. Bragdon

Reginald G. Bragdon
Primary Patent Examiner
Art Unit 2188